

**MANDELBAUM SALSBERG, P.C.**  
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**Attorneys for Defendants**

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

ZURICH CARLOTA JIMENEZ, individually  
and on behalf of others similarly situated,

Plaintiff,

v.

GRAND GIFTS & CAFÉ INC. (D/B/A  
GRAND GIFT CAFE), and SAVVAS  
TSIATTALOS,

Defendants.

**Docket No.: 1:21-cv-07530 (VSB)**

**NOTICE OF MOTION TO DISMISS**  
**THE COMPLAINT PURSUANT TO FED.**  
**R. CIV. P. 12(b)((6)**

**PLEASE TAKE NOTICE**, Defendants Grand Gifts, Inc. (incorrectly named as Grand Gifts & Café Inc.), and Savvas Tsiattalos (**“Defendants”**), through their undersigned attorneys Mandelbaum Salsburg, PC, shall move before this Honorable Court located at 40 Foley Square, Courtroom 518, New York, New York 10007, on a date and at a time to be designated by the Court, for an Order dismissing the Complaint in its entirety pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief may be granted, or, alternatively, based on the existence of a binding arbitration agreement, and awarding such other relief as the Court may deem just and proper; and

**PLEASE TAKE NOTICE** that Defendants will rely upon the accompanying Brief, the Certification of Defendant Savvas Tsiattalos and the exhibits thereto, and all prior pleadings filed herein in support of this motion.

Dated: December 2, 2021

MANDELBAUM SALSBURG, PC  
Attorneys for Defendants

By: /s/Lauren X. Topelsohn  
Lauren X. Topelsohn, Esq..